DOCUMENT RESUME

ED 472 307 EC 309 388

TITLE	Reevaluation Procedures for Students with Disabilities. Revised. Technical Assistance Paper.
INSTITUTION	Florida State Dept. of Education, Tallahassee. Bureau of Instructional Support and Community Services.
REPORT NO	FY-2000-2
PUB DATE	2000-05-00
NOTE	10p.
AVAILABLE FROM	Florida State Dept. of Education, Clearinghouse Information Center, Rm. 628 Turlington Bldg., 325 W. Gaines St., Tallahassee, FL 32399-0400. Tel: 850-488-1879; Fax: 850-487-2679; e-mail: cicbiscs@mail.doe.state.fl.us. For full text: http://www.firn.edu/doe/commhome.
PUB TYPE	Guides - Non-Classroom (055)
EDRS PRICE	EDRS Price MF01/PC01 Plus Postage.
DESCRIPTORS	*Compliance (Legal); *Disabilities; Elementary Secondary Education; Parent Participation; *State Standards; *Student Evaluation
IDENTIFIERS	*Florida; *Individuals with Disabilities Educ Act Amend 1997

ABSTRACT

This paper provides guidelines (based on the 1997 Amendments of the Individuals with Disabilities Education Act) to Florida educators concerning reevaluation procedures for students with disabilities. The first section defines reevaluation as the process of determining the following: whether a student continues to have a disability; present levels of performance and educational needs of the student; whether the student continues to need special education and related services; and whether any additions or modifications to special education and related services are needed. Most of the paper consists of 27 questions and answers that address: (1) reevaluation review (such as who conducts it, what should be considered, parental input, and frequency of reevaluation); (2) parental consent (necessity of written consent and exceptions to the parental consent requirement); (3) reevaluation and other assessments (relationship to functional behavioral assessments, relationship to routine vision and communication screenings, reevaluation of kindergarten children and graduating students); (4) reevaluation timelines (limits and components of the 3-year reevaluation requirement); and (5) information for parents (providing parents with the reevaluation report). (DB)

Reproductions supplied by EDRS are the best that can be made
from the original document.

ED 472 307

Reevaluation Procedures for Students with Disabilities
Technical Assistance Paper

Florida State Department of Education
Division of Public Schools and Community Education
Bureau of Instructional Support and Community Services

May 2000

U.S. DEPARTMENT OF EDUCATION
Office of Educational Research and Improvement
EDUCATIONAL RESOURCES INFORMATION CENTER (ERIC)

☒ This document has been reproduced as received from the person or organization originating it.

☐ Minor changes have been made to improve reproduction quality.

• Points of view or opinions stated in this document do not necessarily represent official OERI position or policy.

PERMISSION TO REPRODUCE AND DISSEMINATE THIS MATERIAL HAS BEEN GRANTED BY

A. Duncan

TO THE EDUCATIONAL RESOURCES INFORMATION CENTER (ERIC)

1

EC 309388

BEST COPY AVAILABLE

TECHNICAL ASSISTANCE PAPER

Reevaluation Procedures for Students with Disabilities

BACKGROUND

This is one of a series of technical assistance materials related to the final regulations implementing the 1997 Amendments to Part B and C of the Individuals with Disabilities Education Act (IDEA). The material in this update is based on

- the actual language of the regulations (34 CFR, Part 300)
- explanatory material published by the Office of Special Education Programs (OSEP)
- DOE staff analysis of the regulations and existing state policies and procedures
- analysis produced by national organizations and experts.

Upon receipt and approval of the 1999-2000 Amendment to the Special Programs and Procedures (SP&P) document by the Bureau of Instructional Support and Community Services, school districts will have more flexibility regarding reevaluation of students with disabilities. School districts *will not necessarily need to conduct one formal evaluation* as required in Rule 6A-6.03411, FAC. The purpose of this technical assistance paper (TAP) is to provide guidance to school districts on these procedures. This technical assistance paper replaces the following TAP: "Reevaluation of Students Receiving Exceptional Student Education — Revised," No. FY 1995-13.

REEVALUATION

Reevaluation is the process of gathering and reviewing information to determine, in accordance with Section 300.533 of Title 34 of the Code of Federal Regulations (CFR):

- if a student continues to have a disability
- the present levels of performance and educational needs of the student
- whether the student continues to need special education and related services
- whether any additions or modifications to special education and related services are needed to enable the student to meet the measurable annual goals on the individual educational plan (IEP) and to participate, as appropriate, in the general curriculum.

When conducting a reevaluation review, the IEP team reviews existing data on the student, including evaluations and information provided by the student's parents, current classroom-based assessments, and observations by teachers and related services providers. The IEP team may conduct this review without a

Paper Number: FY 2000-2

Revised—May 2000

Division of Public Schools
and Community Education
Bureau of Instructional Support
and Community Services

Refer Questions To:
Lezlie Cline (850) 488-1106/SC 278-1106
Tury Lewis (850) 488-1216/SC 278-1216

FLORIDA Department of Education

TECHNICAL ASSISTANCE PAPERS are produced periodically by the Bureau of Instructional Support and Community Services to present discussion of current topics. The TA Papers may be used for inservice sessions, technical assistance visits, parent organization meetings, or interdisciplinary discussion groups. Topics are identified by state steering committees, district personnel, and individuals, or from program compliance monitoring.

meeting. If this occurs, there must be documentation to verify that all required personnel conducted the review. Based on the review described above, the IEP team makes a decision regarding the need for additional data. If it is determined that additional data are needed, parental consent must be obtained and appropriate tests and other evaluation instruments must be administered. Upon completion of the evaluation, an IEP meeting is conducted to discuss those results and revise the student's IEP, as appropriate.

QUESTIONS AND ANSWERS

Reevaluation Review

1. Who conducts the reevaluation review?

In accordance with 34 CFR 300.344, the reevaluation review is conducted by the IEP team, which includes

- the parents of the student
- at least one regular education teacher of the student (if the student is, or may be, participating in the regular education environment)
- at least one special education teacher (or special education provider) of the student
- a representative of the public agency qualified to provide or supervise the provision of specially designed instruction to meet the unique needs of students with disabilities, knowledgeable about the general curriculum, and knowledgeable about the availability of resources of the public agency
- an individual who can interpret the evaluation results and their instructional implications, who may be a member of the team described above
- at the discretion of the parent or agency, other individuals who have knowledge or special expertise regarding the student, including related services personnel
- the student, if appropriate. (Beginning at age 14, the student must be invited to the transition IEP meetings.)

2. What should the IEP team consider during the reevaluation review?

The IEP team should review all existing information including, but not limited to, results of the student's performance on published norm-referenced tests, criterion-referenced tests, and curriculum-based assessments; previous IEPs; student work samples; teacher and/or parent reports; performance-based assessments; behavioral checklists; personality inventories; assistive technology evaluations; observations; interviews; or functional behavioral assessments. The team then considers questions such as the following:

- Are additional data needed to determine whether the student continues to have a disability?
- Are additional data needed to determine whether the student continues to need special education and related services?
- Are additional data needed to determine the student's present level of educational performance and educational needs?
- Are additional data needed to determine whether any accommodations or modifications to the special education and related services or the general curriculum are needed to enable the student to participate, as appropriate, in the general curriculum?

- Are additional data needed to determine whether special considerations, such as communication or behavior, are interfering with the student's progress?
- Are additional data needed to determine appropriate placement?

If the answer to all of these questions is "no, additional data are not needed," then unless requested by the student's parents, the district would not be required to conduct additional tests or other evaluation activities. If the answer to one of these questions is "yes, additional data are needed," then evaluation procedures should be administered, as appropriate, after obtaining the required written parental consent. After rights are transferred at the age of 18, the student must provide written consent for reevaluation.

3. Must a meeting be held to conduct the reevaluation review?

In accordance with 34 CFR 300.533(b), the IEP team may conduct the reevaluation review without a meeting. However, it is strongly recommended that an IEP team meeting be held to conduct the review. If some IEP members are unable to attend, they should review the information and provide input prior to the meeting. If districts choose to conduct the review without a meeting, there must be documentation to verify that all required personnel conducted the review.

4. How can input from parents be obtained if they are not in attendance during the reevaluation review?

The district may obtain input from parents through questionnaires, phone interviews, home visits, or use of various district-developed forms to document parental input. The district must obtain consent prior to administering any evaluation instruments. The parental consent form should reflect that the decision to test was made based in part on the outcome of the review.

5. How often must a reevaluation be conducted?

In accordance with 34 CFR 300.536, a reevaluation is conducted if the student's condition warrants a reevaluation, the student's parent or teacher requests a reevaluation, or if dismissal from ESE is being considered, but at least once every three years.

6. What is the role of the parent in the reevaluation process?

Parents are vital members of the IEP team. They participate in all decisions regarding their child. Parents also provide the IEP team with current information about their child, including any evaluations obtained independent of the school district or any other pertinent information; input regarding the need for additional data; consent for the administration of any necessary evaluation instruments; and revisions to the IEP goals and objectives, as appropriate.

7. What types of additional data may be needed to complete the reevaluation process?

The IEP team determines what additional information is needed. Refer to question 2. The evaluation should be sufficiently comprehensive to identify all of the student's special education and related services needs, whether or not commonly linked to the disability category in which the student has been classified. The evaluation may include, but is not limited to, norm-referenced tests, criterion-referenced tests, curriculum-based assessments, performance-based assessments, behavioral checklists, personality inventories, assistive technology evaluations, observations, interviews, or various components of functional behavioral assessments.

8. **To remain in the special education program(s) upon completion of the reevaluation process, must the student meet the initial eligibility criteria?**

No; however, for a student with a mental handicap, it is strongly recommended to districts, due to the Office of Civil Rights (OCR) findings, that the student continues to meet initial eligibility criteria in the areas of general intellectual functioning, adaptive behavior, and academic functioning. If the initial eligibility criteria are not met in one or more areas, the IEP team should document their reasons for determining that the student continues to be a student with a mental handicap, including why the evaluation results do not accurately reflect the student's level of functioning. These decisions should be made individually on a case-by-case basis.

9. **What is the procedure for adding a related service to an IEP if the student currently receives ESE services?**

The reevaluation process, as described on page one, must be followed. The student is eligible for a related service if it is required to assist the student to benefit from special education.

Parental Consent

10. **Is parental consent needed prior to obtaining additional data?**

Yes. Attempts to secure consent from the parent prior to the reevaluation must be documented. If the parents do not respond after a minimum of two documented attempts to obtain written consent, the school district may proceed with the administration of the evaluation instruments.

If the parent specifically refuses consent for the reevaluation, the IEP team can use mediation or due process in order to resolve the disagreement regarding the need for reevaluation. If the district's 1999-2000 Amendment to the Special Programs and Procedures document has been approved, the IEP team could meet to reconsider existing data and determine that no new data are necessary to complete the reevaluation process.

Parental consent is not required to review existing data.

11. **Can a parent give verbal consent for a reevaluation?**

No. The consent for reevaluation must be written and the consent form must contain all the components of 34 CFR 300.503, which are

- a description of the action proposed or refused by the agency
- an explanation of why the agency proposes or refuses to take the action
- a description of any other options that the agency considered and the reasons why those options were rejected
- a description of each evaluation procedure, test, record, or report the agency used as a basis for the proposed or refused action
- a description of any other factors that are relevant to the agency's proposal or refusal
- a statement that the parents of a student with a disability have protection under the procedural safeguards of this part and, if this notice is not an initial referral for evaluation, the means by which a copy of a description of the procedural safeguards can be obtained
- sources for parents to contact to obtain assistance in understanding the provisions of this part.

Note: The district must provide a copy of the procedural safeguards to the parent when requesting consent for reevaluation.

12. When is parental consent not required?

Parental consent is not required prior to

- administering classroom assessments for the purpose of determining the student's mastery of IEP annual goals and short-term objectives or benchmarks
- completing a functional behavioral assessment in circumstances in which the data come solely from the review of existing information
- conducting an alternate assessment listed on the IEP, as required by the Individuals with Disabilities Education Act (IDEA). However, parents should participate through the IEP process in the decision regarding type of assessment that will be given to the student.

13. If the district chooses to identify specific tests on the consent for reevaluation form and the IEP team decides upon reviewing the results of the reevaluation that additional tests not referenced on that consent form are needed, must the parent give additional consent?

Yes. If the district chooses to list names of specific tests on the consent for reevaluation form, the parent must give consent for additional tests not identified on the previous consent form.

Reevaluation and Other Assessments

14. Must the reevaluation process be followed when conducting a functional behavioral assessment (FBA)?

Yes. The district must follow the reevaluation process, whether the FBA results from a disciplinary action or because there are concerns about the child's behavior and more information is needed. The reevaluation process requires the same steps as those required for an FBA by federal regulations, 34 CFR 300.520 (b)(1)(i)(ii).

"If the local educational agency did not conduct a functional behavioral assessment and implement a behavioral intervention plan for the child...the agency shall convene an IEP meeting to develop an assessment plan...if the child already has a behavioral intervention plan, the IEP team shall meet to review the plan and its implementation and modify the plan and its implementation, as necessary, to address the behavior."

Districts must

- convene an IEP meeting to develop an assessment plan, that includes review of existing data and determination of need for additional information (Parental involvement in the process is essential to obtain a comprehensive assessment of the student's behavior in multiple settings.)
- obtain parental consent
- conduct an IEP meeting to review results of the FBA and develop the behavioral intervention plan.

In limited circumstances, consent for conducting an FBA is not required. In technical assistance meetings held by the United States Department of Education, Office of Special Education Programs (OSEP), it was indicated that parent consent would not be required if the IEP team, in conducting the FBA, limited the assessment procedures to a review of existing data that were included in the IEP and other existing documents.

For further information on FBAs see TAP FY 1999-3, "Functional Behavioral Assessment and Behavioral Intervention Plans."

15. Are routine vision, speech/language, and hearing screenings required as part of the reevaluation process?

No; however, if there is a history of a sensory or speech/language deficit, or a suspicion that such a deficit exists, screening and any necessary follow-up evaluations should be included in the reevaluation.

16. Does the reevaluation process require the administration of the same tests used during the initial evaluation or subsequent reevaluations of the student?

Generally, no. The reevaluation relates to the student's needs and not specific program eligibility. Although the IEP team must review existing evaluation data on the student during the reevaluation process, school districts are not obligated to re-administer the same tests previously administered to the student. The reevaluation should consist of evaluation materials designed to provide data to shed light on issues identified in question 2. However, current State Board of Education rules for Visually Impaired (VI), Deaf/Hard-of-Hearing (D/HH), and Dual Sensory Impaired (DSI) have specific reevaluation requirements. Until such time as the reevaluation requirements are revised in these rules, districts must conduct the assessments required in these rules.

- Reevaluation for VI students (Rule 6A-6.03014, FAC) must include a medical eye examination; evaluation of developmental or academic functioning, daily living skills, and mode of reading; and observation of functional vision.
- Reevaluation for D/HH students (Rule 6A-6.03013, FAC) must include a minimum of an audiological evaluation and, if appropriate, any other formal evaluations addressed in the initial evaluation.
- Reevaluations for DSI students (Rule 6A-6.03022, FAC) must include a medical eye examination, a documented observation of functional vision, an audiological exam, a documented observation of audiological functioning, and any other evaluation specified by the IEP team. The medical aspect of reevaluation for students with bilateral anophthalmia may be waived if a physician has provided a written recommendation to that effect.

17. What if a parent requests a particular test(s) during the reevaluation process?

The entire IEP team makes the decision regarding which, if any, additional tests, evaluations, or assessments will be used. A detailed notice of refusal with all the components required by 34 CFR 300.503 should be provided if the parent requests tests that the rest of the team believes are not necessary. The district or parent may request mediation or a due process hearing if an agreement cannot be reached.

18. Does a prekindergarten child who is developmentally delayed need a comprehensive evaluation before the student "ages out" of the program?

Yes. Rule 6A-6.03027, FAC, indicates that "continued eligibility for special programs shall be determined before the student is six (6) years old." The IEP or family support plan team shall review existing evaluations and assessments as noted in 34 CFR 300.533 and determine which evaluations are needed in order to make eligibility decisions. The child must meet the initial eligibility requirements for a special education program.

19. Is the district required to complete the reevaluation process for a student graduating with a special diploma?

The regulations are silent on this issue. A case-by-case determination should be made based on the needs of that student and the most current reevaluation results. However, if a student graduates with a special diploma before the age of 22 and is not continuing in school because the student and his/her parents have decided that the student will not continue in school, the student must be provided with written notice of change in free appropriate public education (FAPE). Unless the student graduates with a standard diploma or General Educational Development (GED) diploma, the student may re-enter the school system prior to turning 22 years old.

20. Is the district required to complete the reevaluation process for a student graduating with a standard diploma or if parents request additional testing for college applications or college admission?

No, the purpose of the reevaluation procedure is to determine

- if a student continues to have a disability
- the present levels of performance and educational needs of the student
- whether the student continues to need special education and related services
- whether any changes or modifications to special education and related services are needed to enable the student to meet the measurable annual goals on the IEP and to participate, as appropriate, in the general curriculum.

However, even with standard diploma, the denial of the parent's request for a reevaluation would be subject to due process, and the district must provide a notice of refusal to the parents.

Reevaluation Timelines

21. What is the new three-year reevaluation date when several tests are administered during the reevaluation process?

The new reevaluation date is three years from the date of the *first* test administered during the reevaluation process.

22. How soon after the reevaluation testing is completed should the IEP meeting be scheduled to discuss the results?

Although an amount of time is not specified in the regulations, it is suggested that the IEP team meet to consider the results of the evaluation and to determine if any revisions to the IEP are needed based on these results as soon as possible after the completion of the testing. The decision as to when to schedule an IEP meeting to review the reevaluation results is made on a case-by-case basis, but could be determined by the expiration date of the IEP.

23. What is the new three-year reevaluation date if no additional assessments were administered?

The new reevaluation date is three years from the date of the IEP team meeting at which it was determined that no additional assessments were needed. If no meeting was held, then the date the decision was finalized is used as the basis for the new reevaluation date.

24. If the district is unable to complete the three-year reevaluation process in time, how could this be documented?

Districts should clearly document all good faith efforts to complete the reevaluation process prior to the three-year reevaluation date. Some examples of this documentation would include phone logs, IEP conference notes, reevaluation review notes, or certified letters. If staff are aware that attendance problems may interfere with the timely completion of the evaluation, these problems should be brought to the attention of the IEP team so that immediate action can be taken.

Information for Parents

25. When is the district required to provide the parent a copy of the reevaluation report and what should this report include?

The regulations appear to be silent regarding this question; however, the regulations do state that the public agency must provide a copy of the evaluation report and the documentation of determination of eligibility to the parent. The interpretation notes stress that it is important to ensure that parents and other IEP team members have all the information they need to participate meaningfully in the IEP meeting. The components of a reevaluation report should include any test results or any other information regarding the student's strengths, progress in the general curriculum, and priority educational needs. Parents may also request copies of any reports. These must be presented as soon as possible, but before any IEP meeting.

26. Must the parent be informed if the IEP team determines that there is no need for additional data?

Yes. If it is decided that additional data are not required, the district must notify the parent of this determination and specify the reasons for this determination. The district must also notify the parents of their right to request an assessment to determine whether, for purposes of services under IDEA, the child continues to be a child with a disability.

27. Must this notification be in writing?

While the regulations do not specify that this notice must be provided in writing, it is strongly recommended that documentation of this notification be kept in the student's records to show that the reevaluation process was implemented correctly.

U.S. Department of Education
Office of Educational Research and Improvement (OERI)
National Library of Education (NLE)
Educational Resources Information Center (ERIC)

NOTICE

Reproduction Basis

[X] This document is covered by a signed "Reproduction Release (Blanket)" form (on file within the ERIC system), encompassing all or classes of documents from its source organization and, therefore, does not require a "Specific Document" Release form.

[ ] This document is Federally-funded, or carries its own permission to reproduce, or is otherwise in the public domain and, therefore, may be reproduced by ERIC without a signed Reproduction Release form (either "Specific Document" or "Blanket").